

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

A.P.(C.S.-Ex.Br.) – Disciplinary action against Sri K. Dharma Reddy, the then RDO, Vijayawada under rule 20 of APCS (CC&A) Rules, 1991 for failure to implement the instructions of ECI – Charges framed – enquiry conducted – Further action dropped – orders – issued.

[illegible]**REVENUE (VIG.I) DEPARTMENT**

G.O.Rt.No. 707

Date:19.07.2014

Read the following:

1. From Election Commission of India, New Delhi, Lr. No.51/8/6/2010/EMOPS/194, dt. 16.10.2012.
2. From Prl. Secy. (Rev) Lr.Rc.No.48055/Vig.III(1)/12, dt.7.11.2012.
3. From GA (Ele.D) Dept., U.O.Note No.3540/Ele.D/A2/10-12,dt.14.5.2013.
4. G.O.Rt.No.1248, Rev. (Vig.III) Dept., dt.8.8.2013.
5. From Sri K. Dharma Reddy, the then RDO, Vijayawada written statement of deference, dt. 2.9.2013.
6. G.O.Rt.No.1494, Rev (Vig.III) Dept., dt. 5.10.2013.
7. From the Secy. to CCLA & Enquiry Officer,
Secy. to CCLA/Peshi/Spl.I/2013, dt.30.11.2013.
8. From the Under Secretary, Election Commission of India,
Nirvacahan Sadan, Ashoka Road, New Delhi,
No.51/8/6/2010-EMS/33, dt.10-6-2014

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ORDER:

In the reference 1st read above, the Election Commission of India, New Delhi has recommended disciplinary action against Sri K. Dharma Reddy, former Revenue Divisional Officer, Vijayawada for his failure to implement the Commission's instructions on safeguard and custody of EVMs resulting into theft of EVMs and requested to forward the draft charge sheet to be issued to him for Commission's consideration and concurrence before issuing the same to him. The report of the Election Commission of India same was examined and decided to initiate disciplinary action against Sri K. Dharma Reddy, former Revenue Divisional Officer, Vijayawada. Accordingly, draft Article of Charges etc were sent to Election Commission of India, New Delhi for concurrence vide reference 2nd read above. The General Administration (Elec.D) Department vide reference 3rd read above has informed that the Election Commission of India has approved the draft Article of Charges to be issued on the said delinquent and requested to take necessary action in the matter. Accordingly, articles of charge was framed on Sri K. Dharma Reddy, former Revenue Divisional Officer, Vijayawada vide reference 4th read above calling his explanation .

2. The Charged Officer Sri K. Dharma Reddy, former Revenue Divisional Officer, Vijayawada, has submitted his explanation vide reference 5th read above. He has stated that he has not received the comprehensive instructions issued by the Election Commissioner of India, New Delhi vide Rc.No.51/8/6/2010/EMS, dt.3.5.2010, and however circular instructions of the Dist. Collector, Krishna regarding storage and safety of EVMs was received by the O/o Sub Collector, Vijayawada and the same was scrupulously followed. He has stated that the EVMs were stored in the godown much before the receipt of circular instructions and arranged double locking system, all the windows were closed with brick and masonry.

3. He has also stated that he addressed a letter to the police vide Lr.Rc.No.A1/1735/2010, dt.10.10.2010 to provide an armed guard to godown for security where EVMs are stored. He has further stated that he opened a stock Register immediately after receipt of instructions from District Administration in the month of September, 2010 and entered all the details of EVMs and the same was kept for perusal of Additional CEO, Andhra Pradesh, Hyderabad during his visit on 6.12.2010. He has finally requested to exonerate him from the charge.

4. The explanation submitted by the Charged Officer was examined and the Secretary to Chief Commissioner of Land Administration, Hyderabad was appointed as Enquiry Officer to conduct regular enquiry into the charge framed against Sri K. Dharma Reddy, formerly RDO, Vijayawada vide G.O. 6th read above. The Enquiry Officer has

conducted enquiry and submitted enquiry report vide reference 7th read above. The Enquiry Officer in his report, among other things, found that the circular instructions were communicated to the Revenue Divisional Os and custodians of the EVMs in the Revenue Divisions of Krishna District by the District Revenue Officer four (4) months after the receipt from Election Commission of India in May i.e., on 8.9.2010 and 18.9.2010, that too in part and full instructions were issued on 10.12.2010 i.e., after the theft incident. The charged officer has produced records to show that he has acted on these instructions by arranging double locking and seeking police guard permanently. However the security as requested was not arranged by the police. It is also brought to notice that disciplinary action was initiated against the DRO/Supdt. of the Collectorate, Krishna for failing to communicate the Election Commission of India circular and inquiry was held. The Enquiry Officer has finally stated that in the face of the documents produced by the Presenting Officer and statement of the Presenting Officer and the documents produced and statement made by the Charged Officer, he has come to the conclusion that though a serious lapse has occurred in safeguarding the EVMs due to non implementation of Election Commission of India guidelines on safety but the evidence produced during the Inquiry points that the Charged Officer is found not guilty of the charge leveled against him of not implementing the Election Commission of India instructions as the circular instructions were issued to him in part and whatever instructions were received, he has acted upon them. Therefore, the Enquiry Officer held that the charge against Sri K. Dharma Reddy, former RDO, Vijayawada that he has failed to implement the circular instructions of Election Commission of India dt.3-5-2010 is not proved.

5. After careful examination of the matter, Government have accepted the findings of Enquiry Officer and decided to drop further action against Sri K. Dharma Reddy, formerly Revenue Divisional Officer, Vijayawada. The matter was referred to the Election Commission of India for concurrence.

6. The Under Secretary, Election Commission of India, New Delhi vide reference 8th read above has informed that after considering the report of Inquiry officer and the recommendation of the State Government the Commission has decided to drop further action against Sri K. Dharma Reddy, the then Revenue Divisional Officer, Vijayawada. The Commission has also directed that Sri K.Dharma Reddy, the then Revenue Divisional Officer, Vijayawada may be advised to be more careful in future while discharging election related duties.

7. After careful examination of the matter, the Government have decided to drop further action against the said charged officer with a direction to be more careful in future while discharging election related duties.

8. Accordingly, further action is hereby dropped against Sri K. Dharma Reddy, the then Revenue Divisional Officer, Vijayawada with a direction to be more careful in future while discharging election related duties.

9. The Chief Commissioner of Land Administration Hyderabad is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.C. SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri K. Dharma Reddy, the then Revenue Divisional Officer, Vijayawada,
(through the Chief Commissioner of Land Administration, Hyderabad.)
Copy to:
The Chief Commissioner of Land Administration , A.P., Hyderabad.
The Dist Collector, Krishna
The General Administration (Elections-D) Department.
The Revenue (Services. I) Dept.
SC/SF

// FORWARDED :: BY ORDER //

SECTION OFFICER